

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 16 APRIL 2024

- Present: The Mayor, Councillor S Ngai (Chairperson)
Councillors J Pettett & G Taylor (Comenarra Ward)
Councillors S Lennon & B Ward (Gordon Ward)
Councillor A Taylor (Roseville Ward)
Councillors C Kay & M Smith (St Ives Ward)
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: Acting General Manager (David Marshall)
Director Community (Janice Bevan)
Acting Director Corporate (Angela Apostol)
Director Development & Regulation (Michael Miocic)
Acting Director Operations (Peter Lichaa)
Director Strategy & Environment (Andrew Watson)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafe)
Manager Governance and Corporate Strategy (Christopher M Jones)
Governance Support Officer (Nicole Kratochvil)
- Others Present: Group Lead Major Projects (Geoffrey Douglas)
Manager People & Culture (Jennie Keato)

The Meeting commenced at 7:00PM

The Mayor offered the Acknowledgement of Country and Prayer

APOLOGIES

File: S02194

Nil

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: MM.1 Housing Policy Updates (April 2024)

Report by Mayor Ngai on 16 April 2024 with attachments.

60 CONFIRMATION OF REPORTS AND ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Lennon/A. Taylor)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

C.1 Lindfield Village Hub - Confidential Update

In accordance with 10A(2)(c), (d)(i), (d)(ii) and (g):

Attachment 1: LVH - FINAL Lindfield Hub Valuation Report

Attachment 2: LVH - Lindfield Library (Pacific Hwy) valuation letter of opinion

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES**61 Minutes of Ordinary Meeting of Council**

File: EM00043/2

Meeting held 19 March 2024

Minutes numbered 36 to 56

Resolved:

(Moved: Councillors Wheatley/Smith)

That Minutes numbered 36 to 56 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

62 **Minutes of Extraordinary Meeting**

File: S02131

Meeting held 25 March 2024

Minutes numbered 57 to 59

Resolved:

(Moved: Councillors Wheatley/Smith)

That Minutes numbered 57 to 59 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR63 **Housing Policy Updates (April 2024)**

File: S14450

Vide: MM.1

This Mayoral Minute provides a history (for noting) on local activity regarding the State Labor Government's proposed housing policies.

On 9th November 2023, the Mayor received a letter from the Minister for Planning and Public Spaces hinting that in response to the National Housing Accord, there would be substantial uplift in density across NSW involving the redefinition of the housing stock that Low- and Mid-Rise Residential zones could take.

At the next Ordinary Meeting of Council on 21st November 2023, Council resolved that the Mayor would write to the Planning Minister to outline Council's concerns about the feasibility of what was proposed.

On 24th November 2023, the Mayor wrote a letter to the Planning Minister requesting a meeting to discuss Council's concerns.

On 27th November 2023, the Minister's office responded by saying that they are open to a meeting "*to discuss broader housing targets*". That meeting was later confirmed to be 15th February 2024, and later postponed by the minister to 29th February 2024.

On Tuesday 28th November 2023, the State Government released a media statement announcing upcoming reforms to low and mid-rise housing (LMRH SEPP). The details of this reform (explanation of intended effect) were not made public until 18th December, at which point a 'public feedback' process was made available over the Christmas holidays and due 23rd February 2024.

Regarding a separate 'Transport Oriented Development' SEPP (TOD SEPP), this was first hinted when the NSW Government accidentally published its intention to rezone 31 train stations on 5th December 2023. The webpage was quickly pulled down but in the media, the parameters of 400m radius, 21m height, FSR 3:1 were rumoured for stations including Roseville, Lindfield, Killara and Gordon. Details were released in late December (see attachment 1). There was no community

consultation process for the TOD SEPP.

Regarding details of the TOD SEPP, representatives from the Department of Planning met with council staff on 16th January 2024, then followed up by a 30-minute meeting with councillors on 24th January 2024. In these meetings there was no genuine exchange of ideas, it was merely a top-down presentation of what the State Government was going to impose on Councils across NSW. Council staff and councillors expressed their concerns, but there was no sense that concerns around the details were genuinely being heard.

On 29th February 2024, over three months after requesting the original meeting, the Minister for Planning finally met with the Mayor and staff. Here, the Mayor's expectation was that it was "*to discuss broader housing targets*". However, at this meeting:

- The Minister was clear that he was not interested in discussing the housing targets for the LMRH SEPP, and that he was only there to talk about the TOD SEPP.
- The Minister said that if Councils were to establish a new Local Environment Plan (LEP) that met or exceeded housing targets, then the requirements of the SEPP would be set aside.
- The Mayor and council staff said that if a new LEP was to be established, the preference would be to review the entire LGA in one go. It would not be efficient to start a process for the TOD SEPP area, followed by the LMRH SEPP area a few months later. To revise the LEP for the entire LGA, housing targets for the entire LGA would be required (as was the original scope of the meeting).
- The Minister said that housing targets will not be provided for the LMRH SEPP area, and that housing targets for the TOD SEPP would be provided later in the week.
- The Minister offered the prospect of a 6-month deferred commencement for local planning at some of the TOD SEPP sites. However, he required at least one to commence April 2024 as announced.
- The Mayor and council staff said that 6 months was not a realistic timeframe for planning in line with Department guidelines and public expectation. The Mayor said that 12-18 months would be more realistic.
- The Department staff promised to provide Council staff with a copy of the draft TOD SEPP prior to its gazettal.
- The Minister and Mayor thanked each other for the productive conversation, and the Minister said that they would meet again the following week.

On 1st March 2024, the Department contacted Council to inform that each of the four TOD SEPP locations was expected to take on 4,500-5,000 new dwellings within a 400m radius.

On the following week, and after robust discussions with Councillors at a workshop, the Mayor was looking forward to a constructive second meeting with the Minister as promised, where he hoped to further explore a 12-18 month deferred commencement. But closer to the meeting date of 8th March 2024, he was told that he would be excluded from the meeting. Only Department staff and Council staff met on 8th March 2024.

On the evening of 11th April 2024, Minister Scully issued a letter to Council addressing the Department's position on Heritage Conservation, Traffic and Local Roads, and Tree Canopy (see attachment 2).

The Department issued a statement the following day claiming that 12 out of 13 councils had collaborated on the TOD SEPP but implied that Ku-ring-gai had not (see attachments 3 and 4). Other councils had been offered deferred commencements ranging 3-15 months, which for Labor-led councils happens to defer the issue to the other side of the Local Government Elections.

From the Mayor's perspective, the message about Ku-ring-gai not being willing to collaborate does not feel genuine. The first meeting took over three months for the Minister to commit to, and the second meeting was cancelled.

On 12th April 2024, the Mayor issued a response to the Minister addressing weaknesses in the Department's position regarding Heritage Conservation, Traffic and Local Roads, and Tree Canopy (see attachment 5). He also said that despite the rhetoric of non-co-operation, he was still waiting for the promised second meeting with the Minister. From the Mayor's perspective, the Minister had cancelled the meeting as he had not been interested in co-operating on reasonable terms.

As of today, Council awaits to receive a draft of the TOD SEPP as promised prior to the gazettal. Having said that, it is also clear that the Department's current position is to impose the TOD SEPP on Gordon, Killara, Lindfield and Roseville later this month, with an additional 18,000 to 20,000 dwellings to be added in the next 15 years. The impact of this on our heritage conservation areas, urban canopy and local congestion will be profound, and while it will be accompanied by over \$200 million of Housing Contributions to the State, not a single cent has been committed to improving local open space, active transport, roads, education, health or any other infrastructure.

Meanwhile, targets from the LMRH SEPP have yet to be revealed although the 42-page Explanation of Intended Effect (see attachment 6) provides sufficient detail to conservatively anticipate the doubling of Ku-ring-gai's population as a combination of both SEPPs. Once again, the impacts are profound and while hundreds of millions of Housing Contributions will go to the State, not a single cent has been promised for improving local infrastructure.

Resolved:

(Moved: The Mayor, Councillor Ngai)

That Council notes and receives this Mayoral Minute.

For the Resolution:

The Mayor, Councillor Ngai, Councillors Kay, Lennon, Pettett, Smith, A. Taylor, G. Taylor, Ward and Wheatley

Against the Resolution:

Councillor Spencer

CARRIED

PETITIONS

64

Objection to building a Childcare Centre on the site of 5 Holmes Street Turramurra

File: EDA0109/24-2

Vide: PT.1

Councillor G.Taylor tabled the following petition:

Dear Sir,

My name is [REDACTED]. I am the resident of [REDACTED]. I am writing to **OBJECT** the DA application of building a Centre-based Childcare Centre on the site of 5 Holmes Street Turramurra (Application Number: eDA0109/24), [REDACTED]

The reasons of the objection are listed below:

1. Causes further Traffic Congestion:

The addition of a childcare facility will undoubtedly exacerbate the already severe traffic congestion in our neighbourhood, especially on surrounding narrow streets like Holmes Street, Allan Ave, Duff Street, and Denman Street. Holmes Street is a NO Through Road, the increased traffic alone would make access in and out of Holmes Street much harder when there is no other option to get in and out. The narrow streets of Holmes Street, Allan Ave, Duff Street, and Denman Street are ill equipped to handle such drastic development. This will only invite further chaos to streets that are already difficult to manoeuvre during peak hours.

Despite restricted parking hours being introduced to the area to alleviate parking concerns, the streets are utilised as parking by suburban train commuters. The hilly terrain requires careful navigation on the right turn from Duff Street to Allan Avenue. The existence of a childcare facility at this junction would pose a very high risk for accidents to both residents, local schoolchildren, and children at the facility.

2. Dramatically increases safety risks to both pedestrians and drivers alike:

The new childcare centre will significantly increase traffic at the Holmes Street/Allan Ave intersection (especially during peak hours), which will consequently increase the risk of accidents and put the safety of pedestrians who utilise surrounding facilities such as nearby schools, Boyds Orchard Park, transport, and shops, at considerable risk.

Additionally, the proposed driveway of the childcare centre on Holmes Street directly intervenes the pedestrian walking path, which is used by everyone, and in particular, kids who travel to and from Turramurra Station and Bus Stops. Having cars coming in and out of the centre's basement carpark, especially before and after school hours, is an extreme safety concern and is a highly accident-prone design as children will be forced to walk across a wide driveway with a constant stream of cars.

Furthermore, as the childcare centre is located at the corner of the Holmes and Allan Ave intersection, every car that exits the driveway and turns right onto Allan Ave will be an abundant source of car and pedestrian accidents. Thus, this childcare centre is a life-threatening safety hazard and is likely to be the source of many accidents.

3. The proposed childcare centre is an oversized building

The proposed height and scale of the building dwarfs everything on this street and in the vicinity. The childcare centre rises to 10m tall from an already elevated position since the lower side of the street of the area is being used for the car park. The resultant building completely changes the character of the street which is a quiet residential area with modest single and double storey homes, as opposed to the large commercial scale building being proposed. It also has an overshadowing impact to adjacent properties, robbing them of vital sunlight. In addition, this development will cause an escalation in noise level and disturb the privacy and tranquillity from surrounding properties that are at lower sloping grounds.

4. The proposed childcare centre is an unnecessary development

Our community is already experiencing rapid development and the construction of an additional centre represents an unnecessary addition to this ongoing expansion. In addition, there are already 3 brand new childcare centres in close vicinity-44 Fox Valley Road Wahroonga, 172-176 The Comenarra Pkwy Wahroonga, and 102 Kissing Point Road Turramurra. There are 12 childcare centres in Turramurra, and 11 of them have vacancies. Therefore, another childcare centre is not essential considering this, and all of its negative impacts on our neighbourhood.

5. Inappropriate commercial development in R2 low density residential area

Our street is defined as an R2 low density residential area. The proposed childcare centre which allows for 48 children plus staff members, with a 12-space basement carpark, will far exceed the concept of low density. The scale of the proposed development is not in line with nearby houses on Holmes, Denman, and Duff Street.

6. The proposed childcare centre is not environmentally friendly

The proposed development intends to cut down and destroy surrounding trees on and outside of the current property. This causes additional harm towards our environment for the sake of commercial activities. Given Ku-Ring-Gai is known for its beautiful environment and nature, and the council's emphasis on being environmentally friendly and sustainable, this childcare centre does not align with Ku-Ring-Gai's tradition and fundamental values.

7. Noise Pollution

Our local park, Boyds Orchard Park, a precious sanctuary for relaxation and recreation, is already plagued by excessive noise pollution. The introduction of a childcare centre right opposite the park will only further disrupt the peace and tranquillity of this space, negatively impacting the quality of life for residents in the surrounding area.

In light of these concerns, I strongly **OPPOSE** this DA childcare centre application, and I urge the council authorities to Reject the application of this proposed childcare centre development and help preserve our natural environment.

Thank you for considering, prioritizing the well-being and wishes of the residents of Turramurra.

Thanks and Regards,



P.S. Petition to gather the community feedback of the Development, it shows there are strong community rejection to the development with over 100 signatures received so far.

<https://www.change.org/p/halt-the-construction-of-a-large-childcare-centre-on-5-holmes-street-in-turramurra>

(167 signatures)

Resolved:

(Moved: Councillors G. Taylor/Pettett)

That the Petition be received and referred to the appropriate Officer of Council for attention.

CARRIED UNANIMOUSLY

65

Petition for Childcare Centre at 5 Holmes Street Turramurra

File: EDA0109/24-2

Vide: PT.2

Councillor Pettett tabled a petition from local residents (also tabled by Councillor G.Taylor under item PT.1).

Resolved:

(Moved: Councillors Pettett/G. Taylor)

That the petition be received and referred to the appropriate Officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS66 **Flood Risk Management Committee Meeting Minutes February 2024**

File: S10746

Vide: GB.1

For Council to consider and note the minutes of the Flood Risk Management Committee meeting held on 13 February 2024.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That Council receives and notes the Minutes of the Flood Risk Management Committee meeting held on 13 February 2024 (Attachment A1).

CARRIED UNANIMOUSLY

67 **Status of Women's Advisory Committee - draft updated submission form**

File: S13683

Vide: GB.2

To provide Council with a draft updated submission form for the Status of Women's Advisory Committee.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That Council consider and endorse the draft updated submission form for the Status of Women's Advisory Committee.

CARRIED UNANIMOUSLY

68 **Investment Report as at 27 March 2024**

File: FY00623/6

Vide: GB.3

To present Council's investment portfolio performance for March 2024.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That:

- A. The summary of investments and performance for March 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

69 **2024 National General Assembly of Local Government - Proposed Motions**

File: FY00581/9

Vide: GB.4

To submit two motions for debate at the Australian Local Government Association (ALGA) National General Assembly 2024.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That Council submit the following motions to the Australian Local Government Association National General Assembly 2024:

- A. Building community trust in the delivery of housing (Attachment A1)
- B. Voluntary withholding tax on councillor allowances (Attachment A2)

CARRIED UNANIMOUSLY

70 **Council's Submission to the Parliamentary Inquiry into the ability of local governments to fund infrastructure and services**

File: FY00260/18

Vide: GB.5

To advise Council of the Terms of Reference into the ability of local governments to fund infrastructure and services released by the NSW Parliament's Standing Committee and to seek Council's endorsement of a draft submission to the inquiry.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That Council:

- A. Prepare a submission to the Parliamentary Inquiry into the ability of local governments to fund infrastructure and services.
- B. Authorise the General Manager to prepare the submission consistent with the positions put forward in this report
- C. Note that the draft submission will be circulated to Councillors prior to submission to the Inquiry.

CARRIED UNANIMOUSLY**71 OLG Guidelines: Risk Management and Internal Audit for Local Government in NSW - Status Update**

File: S08410-35

Vide: GB.6

The purpose of this report is to provide an overview of Council's progress towards achieving compliance against the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

It is recommended that:

- A. The report be received noting that changes required under the Guidelines are currently being actioned to ensure full compliance by 1 July 2024.
- B. Council determine to include a Councillor (excluding the Mayor) and alternate(s) who meet the eligibility criteria specified under the Guidelines as a non-voting member on the ARIC from 1 July 2024.
- C. The draft ARIC Terms of Reference as attached to this report (A4) replaces the current ARIC Charter effective from 1 July 2024 and be adopted subject to required updates relating to Councillor membership as referred to in recommendation (2) above.
- D. Council notes the revised ARIC Annual Agenda (retitled 'ARIC Workplan') as attached to this report (A5) which will become effective from 1 July 2024.

CARRIED UNANIMOUSLY**72 Resourcing Strategy 2024-2034, Delivery Program 2022-2026 and Operational Plan 2024-2025**

File: FY00382/16

Vide: GB.7

To obtain Council's endorsement to place the revised Resourcing Strategy 2024-2034, revised Delivery Program 2022-2026 and draft Operational Plan 2024-2025 (incorporating the budget, capital works and fees and charges for 2024-2025) on public exhibition.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That Council:

- A. endorse the revised Resourcing Strategy 2024-2034, revised Delivery Program 2022-2026 and draft Operational Plan 2024-2025 (including Fees and Charges

2024-2025) for public exhibition for 28 days

- B. note that a report will be provided to Council in June 2024 for further consideration of any submissions and adoption of the plans.

CARRIED UNANIMOUSLY

73

Preparation of a Ku-ring-gai Reconciliation Action Plan

File: S13797

Vide: GB.8

To seek Council's endorsement to develop a draft *Ku-ring-gai Reconciliation Action Plan*.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

- A. That Council endorse the preparation of a draft *Ku-ring-gai Council Reconciliation Action Plan*.
- B. That the final draft *Ku-ring-gai Reconciliation Action Plan* be reported to Council prior to submission to Reconciliation Australia for finalisation.

CARRIED UNANIMOUSLY

74

Getting the balance right on companion animal regulation

File: CY00445/12

Vide: NM.2

Notice of Motion from Councillor Kay dated 29 February 2024

While cats are valued companion animals for many people within Ku-ring-gai, they are also one of the world's most successful predators. The impact of roaming cats on native fauna and cat welfare in Australia has been well documented.

Pet cats that are allowed to freely roam outside kill an estimated 527 million animals annually, the majority native. This equates to an average of 186 animals killed each year per free-roaming cat.¹

Native species in Ku-ring-gai are impacted by cats just as they are across Australia. In fact, with Ku-ring-gai's extensive bushland urban interface and numerous native species including threatened species, Ku-ring-gai has a particularly significant responsibility to protect our native species and prevent cats impacting our ecosystems and biodiversity. With an increase in high density housing, such as that proposed under the NSW planning reform, the Ku-ring-gai Area will likely see an increase in cat ownership along with the associated impacts on native animals, particularly birds. For this reason, it is now more urgent than ever to get the balance right on companion animal regulation.

All cat owners have a responsibility to their cat, their community and the

environment.

Preventing pet cats from freely roaming not only helps reduce the impact on local biodiversity from hunting, but helps protect pets from contracting diseases, reduces their risk of becoming injured or killed through fighting and accidents, prevents accidental breeding, increases the opportunity for owner-animal interaction, minimises transmission of diseases like the zoonoses toxoplasmosis and reduces disturbance caused to neighbours by roaming pets².

However, NSW local councils have limited powers to control roaming cats.

The NSW Companion Animals Act 1998 sets out the duties and responsibilities of pet owners. These are enforced at a local government level. However, the Act currently provides limited controls for the management of free-roaming pet cats by local government.

NSW local governments can prohibit the presence of cats in very specific circumstances, namely, prohibition from food and consumption areas and areas declared wildlife protection areas.

The Act does not allow local governments to regulate roaming cats generally.

Ku-ring-gai Council must support calls on the NSW State Government to introduce to Parliament amendments to the Companion Animals Act (1998) to enact Cat Containment regulations across New South Wales to better respond to the local risk levels, nuisance and noise issues, cat welfare and impacts on native fauna. Additionally, council should be an active voice, supporting other land managers across Australia in improving cat management and improving conservation outcomes.

I, therefore, move:

That Ku-ring-gai Council take an active stance, among other initiatives, to:

- A. Amend the Companion Animals Act 1998 and associated Companion Animals Regulation 2018 to enable local governments to enforce the containment of pet cats in NSW. The introduction of these containment laws to include phase-in periods and community support and monitoring frameworks.
- B. Streamline pet identification and registration processes into one process managed by Service NSW and accessible through self service functions within the Service NSW app.
- C. Transition to mandatory desexing laws that align with existing state approaches in Western Australia, Tasmania, Australian Capital Territory, South Australia and Victoria.
- D. Establish a \$10 million, three-year state-wide grant program to support councils to implement domestic cat containment policies and associated responsible cat ownership programs. The program to include: identification and registration measures, large scale desexing and microchipping programs and effective education programs to support people to keep their cats contained.
- E. Implement a state-wide 'Safe cat, safe wildlife' campaign that includes the development of a central, state-wide online platform, in consultation with councils, relevant agencies and animal welfare bodies to make responsible pet ownership information easily accessible.

¹RSPCA NSW, <https://www.rspcansw.org.au/keeping-cats-safe/cat-lovers-2>

²Legge, S, Woinarski, JCZ, Dickman, CR, Murphy BP, Woolley, LA & Calver, MC 2020, 'We need to worry about Bella and Charlie: the impacts of pet cats on Australian wildlife', Wildlife Research, vol. 47, pp. 523-539.

Resolved:

(Moved: Councillors Kay/Pettett)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

75

Preserving Open Space at Former Roseville Chase Bowling Club Site for Future Generations

File: S11890

Vide: NM.6

Notice of Motion from Councillors Ngai and A. Taylor dated 27 March 2024

In the December OMC Council resolved:

"That Council receive and note the report on the draft land use option prepared for the former Roseville Chase Bowling Club site at 47 Warrane Road, Roseville Chase until there is more clarity in relation to the State Government."

Since then it has become clear that the State Government intends to follow through with their new housing policies, and Council has also endorsed Ku-ring-gai's Open Space Recreational Needs Study.

Ku-ring-gai will continue to fight the one-size-fits-all housing policies with all available resources, but the enormous pressure on housing will remain across the country regardless, and particularly in East Roseville as it is 'well-located'.

The Department of Planning's Explanation of Intended Effect for the Low and Mid-Rise Housing SEPP, along with commentary from the Premier and the Minister of Planning, has made it clear that the SEPP will permit an extensive uplift of density across all of Ku-ring-gai except for North Turrumurra and East Killara.

Correspondence from the Department and Council's own analysis also indicates that Roseville Chase has been flagged as one of many centres for concentrated uplift, regardless of whether it is under the SEPP or under a revised LEP. This is largely because it is 'well located' – it has a neighbourhood centre and main road access within 30 minutes of the city by public transport.

On 19 March 2024, Council unanimously adopted Ku-ring-gai's *Open Space and Recreation Needs Study* and committed to undertaking detailed studies for outdoor recreation spaces. The Study's conclusions included that:

- Land is limited, constrained and expensive.
- Ku-ring-gai's population is growing and more diverse.

- People need more spaces for informal recreation.

In particular, the study found that:

- The Southern Catchment of Ku-ring-gai was the most deficient in parks (0.3 hectares per 1,000 people) as compared to the Northern Catchment (0.5 hectares) and Eastern Catchment (1.5 hectares) (p. 5).
- An additional 48 hectares of parks are required by 2021, and a further 17 hectares by 2041 (p. 115).

It should also be noted that the study was prepared prior to the announcement of the State Government's housing policies, when assumptions for population growth were much lower than current expectations. Any gaps and needs identified in the report will therefore be exacerbated by the increased growth.

A responsible Council of today must therefore consider this new information regarding the deficit of open space in lower Ku-ring-gai, existing and increasing pressure on housing in Ku-ring-gai and particularly 'well-located' East Roseville, and provide for the recreation needs of current and future residents. We therefore propose that the Council land at 47 Warrane Road, Roseville Chase be retained for existing and future public recreation needs.

We move:

That Council retains ownership of the whole of 47 Warrane Road Roseville Chase (Lot 33 DP 3285, Lot 34 DP3285, Lot 3 DP 26343, and Lot B DP403780), and the land be reclassified from 'operational land' back to 'community land' in accordance with Section 33 of the Local Government Act 1993.

Resolved:

(Moved: Councillors A. Taylor/Lennon)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Councillor Smith departed from and returned to the Meeting during discussion on the following item.

76 **Affordable Housing Policy**

File: S12139

Vide: NM.1

Notice of Motion from Councillor Kay dated 29 February 2024

Ku-ring-gai Local Government Area is one of the least affordable residential areas in the Greater Sydney Metropolitan Region

The affordability of suitable housing is a critical issue for social sustainability, well-being and resilience of the local Ku-ring-gai community. Affordable housing provides an opportunity to reduce gaps in, and the displacement of, certain

population groups in affluent areas. Affordable housing creates self-sufficiency on a local level by enabling local areas to have a mixed and growing population across age groups, genders, household types, and employment profiles. It is important to be able to age-in-place in suitable housing, to retain connections to our area if our life circumstances change, and to be able to sustain access to a variety of services without employees enduring unsustainable commuting times.

Ku-ring-gai's Local Strategic Planning Statement (LSPS) (adopted in March 2020) identifies that providing affordable housing is important to retain and strengthen the local residential and business community by enabling local residents and workers to live within the area close to family, established networks and places of employment. The LSPS includes a short-term action to undertake a Housing Affordability Study to determine the profile of local residents and essential workers in need of affordable housing, and the appropriate mechanisms for viable provision. It also includes an action to investigate the development of an Affordable Housing Contributions Plan under Division 7.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in the medium term.

The *Ku-ring-gai Housing Strategy to 2036* (adopted December 2020) identifies the need to further investigate issues around housing affordability. It includes the action to prepare a Housing Affordability Study to determine the needs of residents and essential workers and mechanism to determine appropriate locations for viable provision.

The Local Housing Strategy endorsement letter from the Department of Planning and Environment dated 16 July 2021 requires Council to prepare an Affordable Housing Contribution Scheme that commits Council to examining the feasibility of levying affordable housing contributions for any new proposals that would result in development uplift or an increase in land value. It also asked for Council to develop a transparent and robust framework to consider opportunities including social and affordable housing contributions for 'out of sequence' development such as planning proposals.

On 14 December 2023 the NSW Government implemented affordable housing reforms to encourage private developers to boost affordable housing and deliver more housing. The reforms include a floor space ratio bonus of 20–30% and a height bonus of 20–30% for projects that include at least 10-15% of gross floor area as affordable housing. The height bonus only applies to residential flat buildings and shop-top housing.

In addition, the recently released *Transport Oriented Development Program* by the State Government requires 2% affordable housing contribution for developments in the Part 2 station precincts. This includes Roseville, Lindfield, Killara and Gordon in Ku-ring-ga. This could be an in-kind or monetary contribution.

At the Ordinary Meeting of Council on 20 February 2024 Council considered a report on draft submissions on the *Transport Oriented Development Program* and the *Explanation of Intended Effects: Changes to Create low and mid-rise housing* and resolved, in part:

E. That Council communicate to the NSW Government its willingness to provide for additional housing through a consultative planning process that delivers high quality urban outcomes and respects the built and natural environment.

Any future Council led up zonings or increases in housing densities present an opportunity to capture the provision of affordable housing to the benefit of the

broader Ku-ring-gai community.

Many councils in the Sydney region already have affordable housing strategies and policies in place that proactively deliver affordable housing. This includes councils in more affluent area such as Willoughby, Waverly and the City of Sydney.

Ku-ring-gai Council needs to be in a position whereby it can accept affordable housing delivered as part of future increases in density, whether it be physical housing or via monetary contributions. Therefore, Council needs to put in place the appropriate policies and enabling mechanisms to ensure the delivery of affordable housing as well as the management strategies to ensure that any affordable housing that is provided meets the changing housing needs of our local residents and essential workers.

I, therefore, move that:

- A. Council undertake a Housing Affordability Study to investigate the options for policies and enabling mechanisms to ensure the delivery and management of affordable housing in Ku-ring-gai. The study should include the following matters:
 - i. An Affordable Housing Needs Analysis to determine the nature and extent of housing affordability issues in Ku-ring-gai.
 - ii. A review of current and upcoming affordable housing policy settings being pursued by the Federal and State Governments.
 - iii. An analysis of options for the relevant models for delivery of affordable housing provision in the local council context, including case studies of other local councils.
 - iv. Recommendations to set out the steps and processes that Council needs to undertake to implement an Affordable Housing Strategy and Contributions Scheme
 - v. A Draft Affordable Housing Policy to be prepared based on recommendations from Options Paper.
- B. Council allocate \$150K budget to undertake this work.

Resolved:

(Moved: Councillors Kay/G. Taylor)

- A. Council undertake a Housing Affordability Study to investigate the options for policies and enabling mechanisms to ensure the delivery and management of affordable housing in Ku-ring-gai. The study should include the following matters:
 - i. An Affordable Housing Needs Analysis to determine the nature and extent of housing affordability issues in Ku-ring-gai.
 - ii. A review of current and upcoming affordable housing policy settings being pursued by the Federal and State Governments.
 - iii. An analysis of options for the relevant models for delivery of affordable housing provision in the local council context, including case studies of other local councils.
 - iv. Recommendations to set out the steps and processes that Council needs to undertake to implement an Affordable Housing Strategy and Contributions Scheme.
 - v. A Draft Affordable Housing Policy to be prepared based on recommendations from Options Paper.

- B. Council recognises the need to have an Affordable Housing Policy in place to support emerging State Government policy obligations and allocate \$150K budget to undertake this work.

CARRIED UNANIMOUSLY

77

Pennant Avenue Gordon - Former Gordon Bowling Club Site

File: S11955

Vide: NM.3

Notice of Motion from Councillors Ward and G. Taylor dated 27 March 2024

At its meeting of December 12, 2023, Council considered a report on draft land use options for the former Gordon Bowling Club site at 4 Pennant Avenue, Gordon. At the time Council took a cautious approach given the policy uncertainty surrounding the TOD Program and the proposed Low and Mid-rise Housing SEPP. On consideration of the report Council resolved:

That Council receive and note the report on the draft land use options prepared for the former Gordon Bowling Club site at 4 Pennant Avenue, Gordon until there is more clarity in relation to the State Government's recently announced Draft Housing SEPPs.

While there is still considerable uncertainty around the TOD Program and the proposed Low and Mid-rise Housing SEPP, it is unlikely that Council could ever justify disposal for redevelopment of all or part of this site given the number of dwellings and likely future residents that the State Government's housing policy changes are likely to bring to Ku-ring-gai. What is being denied to the community in the short term, however, is access to the site for active and passive recreational opportunities on an interim basis. This is both unnecessary and unwarranted.

I, therefore, move that Council:

- A. Continue with the remediation work necessary to remove or reduce the fence and reopen the walkway between the site and Bushlands Avenue, Gordon, in line with the approved Remedial Action Plan.
- B. Carries out the necessary maintenance of this site to enable recreational use in line with the site contamination analysis, pending identification of longer term uses for the community.

MOTION:

(Moved: Councillors Ward/Lennon)

That Council:

- A. Continue with the remediation work necessary to remove or reduce the fence and reopen the walkway between the site and Bushlands Avenue, Gordon, in line with the approved Remedial Action Plan.
- B. Carries out the necessary maintenance of this site to enable recreational use in line with the site contamination analysis, pending identification of longer term uses for the community.

- C. Notes that the State Government's changes to housing policy in the form of the TOD Program and the Low and Mid-rise Housing SEPP will increase population and consequently so will the demand for public open space in and around Gordon and Killara. This increased demand is consistent with Council's recently adopted Recreational Needs Study and the report on the Public Hearing into the Planning Proposal regarding the former Gordon Bowling Club site dated April 2022.
- D. Include a new action in the 2024/2025 Operational Plan to prepare a masterplan for the site at 4 Pennant Avenue, Gordon.
- E. Investigate interest in the local community to establish a resident committee to operate and manage a community garden.

AMENDMENT:

(Moved: Councillors Lennon/Ward)

- A. Notes the report dated April 2022 on the Public Hearing Planning Proposal regarding the former Gordon Bowling Club site, being part of 4 Pennant Avenue, Gordon, confirming the need for recreational space on the west side of the Pacific Highway at Gordon.
- B. Notes the most recent Recreational Needs Study for Ku-ring-gai, further confirming the need for recreational space on the west side of the Pacific Highway at Gordon.
- C. Notes the state government's housing proposals will add to the population pressures forced upon Gordon, Killara, and other suburbs.
- D. Retains the former bowling club at 4 Pennant Avenue Gordon as public open space and that an action be included in the 2024/2025 Operational Plan to prepare a masterplan for the site.
- E. Urgently carries out the remediation work necessary to remove or reduce the fence and reopen the walkway between the site and Bushlands Avenue, Gordon.
- F. Carries out the necessary maintenance of this site to enable recreational use, pending identification of longer term uses for the site.
- G. Facilitate a community garden if sufficient interest is received from residents.
- H. Staff report back to Council with a condition assessment and the cost to restore the old clubhouse building at Pennant Park (4 Pennant Avenue, Gordon) for public access.

The Amendment was put and declared **CARRIED UNANIMOUSLY**.

The Amendment became the Motion. The Motion was put and declared **CARRIED UNANIMOUSLY**.

Resolved:

(Moved: Councillors Lennon/Ward)

- A. Notes the report dated April 2022 on the Public Hearing Planning Proposal regarding the former Gordon Bowling Club site, being part of 4 Pennant Avenue, Gordon, confirming the need for recreational space on the west side of the Pacific Highway at Gordon.
- B. Notes the most recent Recreational Needs Study for Ku-ring-gai, further

confirming the need for recreational space on the west side of the Pacific Highway at Gordon.

- C. Notes the state government's housing proposals will add to the population pressures forced upon Gordon, Killara, and other suburbs.
- D. Retains the former bowling club at 4 Pennant Avenue Gordon as public open space and that an action be included in the 2024/2025 Operational Plan to prepare a masterplan for the site.
- E. Urgently carries out the remediation work necessary to remove or reduce the fence and reopen the walkway between the site and Bushlands Avenue, Gordon.
- F. Carries out the necessary maintenance of this site to enable recreational use, pending identification of longer term uses for the site.
- G. Facilitate a community garden if sufficient interest is received from residents.
- H. Staff report back to Council with a condition assessment and the cost to restore the old clubhouse building at Pennant Park (4 Pennant Avenue, Gordon) for public access.

CARRIED UNANIMOUSLY

Item NM.4 Former Gordon Bowling Club (4 Pennant Avenue, Gordon) – Notice of Motion from Councillor Lennon was withdrawn as the matter had been resolved under NM.3.

Councillor Spencer and Wheatley separately departed from and returned to the meeting during discussion on the following item.

Following a motion moved by the Mayor, the meeting was adjourned during debate on the following item due to a medical incident. The meeting was adjourned at 8:51PM and resumed at 9:03PM.

78 **Low and Mid-Rise SEPP Community Forums**

File: S14427

Vide: NM.5

Notice of Motion from Councillor Kay dated 27 March 2024

Since the announcement by the State Government of the TOD Program and the Low and Mid-rise SEPP in mid-December 2023, Council has conducted an intensive program of information dissemination and community engagement in relation to these housing policy changes.

While Council's public engagement so far has dealt with both the policies together, because of the urgency attached to the TOD Program, there has naturally been greater focus and community engagement on the TOD.

The impacts of the Low and Mid-rise SEPP are arguably greater than the impacts of the TOD program, particularly in relation to biodiversity, tree canopy loss, traffic congestion and strain on existing infrastructure such as stormwater.

There appears to be a significant gap in the appreciation of many residents of the full potential impacts of the Low and Mid-rise SEPP. To assist residents in understanding the potential implications of the SEPP, it is appropriate to continue and expand Council's community engagement and information dissemination in areas of Ku-ring-gai outside the TOD stations.

I, therefore, move that Council conduct community forums in each of the Wards dealing specifically with the Low and Mid-rise SEPP.

MOTION:

(Moved: Councillors Kay/G.Taylor)

That council conduct community forums in each of the Wards dealing specifically with the Low and Mid-rise SEPP.

AMENDMENT:

(Moved: Councillors Smith/Pettett)

That a report be brought back to Council on the Low to Mid-rise SEPP after the Department of Planning, Housing and Infrastructure provides more information to Council in May 2024.

The Amendment was put and declared **CARRIED**.

<i>For the Amendment:</i>	<i>The Mayor, Councillor Ngai, Councillors Lennon, Pettett, Smith, Spencer, A. Taylor, Ward and Wheatley</i>
<i>Against the Amendment:</i>	<i>Councillors Kay and G. Taylor</i>

The Amendment became the Motion.

AMENDMENT:

(Moved: Councillors Kay/G.Taylor)

- A. That a report be brought back to Council on the Low to Mid-rise SEPP after the Department of Planning, Housing and Infrastructure provides more information to Council in May 2024.
- B. That following the report that Council conduct community forums in each of the Wards dealing specifically with the Low and Mid-rise SEPP.

The Amendment was put and declared **CARRIED UNANIMOUSLY**.

The Amendment became the Motion and was put and **CARRIED UNANIMOUSLY**.

Resolved:

(Moved: Councillors Kay/G. Taylor)

- A. That a report be brought back to Council on the Low to Mid-rise SEPP after the Department of Planning, Housing and Infrastructure provides more information to Council in May 2024.
- B. That following the report that Council conduct community forums in each of the Wards dealing specifically with the Low and Mid-rise SEPP.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE

*Council resolved to consider business without notice after a motion moved by Councillor Smith and Councillor Pettett was **CARRIED UNANIMOUSLY**, and ruled by the Mayor to be of urgency and requiring a decision before the next scheduled ordinary meeting of the council*

*Council resolved itself into Closed Meeting between 9:17PM and 9:57PM with the Press and Public Excluded to deal with the following item after a Motion moved by Councillors Smith and Ward was **CARRIED UNANIMOUSLY**.*

Councillor Kay, Pettett and G.Taylor separately departed from and returned to the Meeting during discussion on the following item.

Council resolved itself into Open Meeting from 9:57PM.

79

Delegation of authority for the Mayor to publish an open letter

MOTION:

(Moved: Councillors Smith/Pettett)

That the Mayor be delegated the authority to publish an open letter in paid and unpaid national, metropolitan and local news publications to address Council's concerns about the impacts of both SEPPs.

Resolved:

(Moved: Councillors Smith/Pettett)

That the Mayor be delegated the authority to publish an open letter in paid and unpaid national, metropolitan and local news publications to address Council's concerns about the impacts of both SEPPs.

For the Resolution: The Mayor, Councillor Ngai, Councillors Kay, Lennon, Pettett, Smith, Spencer, A.Taylor, Ward and Wheatley

Against the Resolution: Councillor G. Taylor

CARRIED

QUESTIONS WITH NOTICE

NIL

INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS

NIL

*Council resolved itself into Closed Meeting between 10:00PM and 11:10PM with the Press and Public Excluded to deal with the following item after a Motion moved by Councillors Kay and Spencer was **CARRIED UNANIMOUSLY***

Councillor Smith and Wheatley separately departed from and returned to the Meeting during discussion on the following item.

Council resolved itself into Open Meeting from 11:10PM.

Lindfield Village Hub - Confidential Update

File: S12165-4-6

Vide: C.1

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, in the opinion of the General Manager, the following business is of a kind as referred to in sections 10A(2)(c), 10A(2)(d)(i), 10A(2)(d)(ii) & 10A(2)(g), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The matter is classified confidential because it deals with the proposed acquisition and/or disposal of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire and/or dispose of the property on appropriate terms and conditions.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(ii) because it would confer a commercial advantage on a competitor of the Council.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be

privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by Acting General Manager dated 28 February 2024

MOTION:

(Moved: Councillors Spencer/Pettett)

That the current procurement process for the LVH project be terminated.

AMENDMENT:

(Moved: Councillors A.Taylor/G.Taylor)

That the current exclusive negotiations with the LVH 'preferred proponent' be concluded and that Council commence negotiations with other providers, as outlined in this report.

The Amendment was put and declared **LOST**.

For the Amendment: The Mayor, Councillor Ngai, Councillors Kay, A. Taylor and G. Taylor

Against the Amendment: Councillors Lennon, Pettett, Smith, Spencer, Ward and Wheatley

MOTION:

(Moved: Councillors Spencer/Pettett)

That the current procurement process for the LVH project be terminated.

For the Resolution: Councillors Lennon, Pettett, Smith, Spencer and Wheatley

Against the Resolution: The Mayor, Councillor Ngai, Councillors Kay, A. Taylor, G. Taylor and Ward

*The voting being EQUAL, the Mayor declined to exercise his casting vote and the motion was **LOST**.*

The Meeting closed at 11:11PM

The Minutes of the Ordinary Meeting of Council held on 16 April 2024 (Pages 1 - 25) were confirmed as a full and accurate record of proceedings on 21 May 2024.

General Manager

Mayor / Chairperson